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Attorneys for Plaintiffs WELLS FARGO BANK, N.A., as Trustee for (i) the Registered Holders of GE Commercial Mortgage Corporation Commercial Mortgage Pass-Through Certificates, Series 2005-C4; (ii) the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Mortgage Pass-Through Certificates, Series 2006-C1; and (iii) the Holders of COMM 2005-FL11 Commercial Mortgage Pass-Through Certificates, acting by and through CWCAPITAL Asset Management, LLC, its Special Servicer

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Attorneys for Defendants DDR MDT MV Anaheim Hills LP, DDR MDT MV Antioch LP, DDR MDT MV Chandler LLC, DDR MDT MV Chino LP, DDR MDT MV Clovis LP, DDR MDT MV Deer Valley LLC, DDR MDT MV Folsom LP, DDR MDT MV Foothill Ranch LP, DDR MDT MV Garden Grove LP, DDR MDT MV Ingram LP, DDR MDT MV Lompoc LP, DDR MDT MV Madera LP, DDR MDT MV North Fullerton I LP, DDR MDT MV Palmdale LP, DDR MDT MV Redding LP, DDR MDT MV Reno LLC, DDR MDT MV Santa Maria LP, DDR MDT MV Santa Rosa LP, DDR MDT MV Silver Creek LLC, DDR MDT MV Slatten Ranch LP, DDR MDT MV Sonora LP, DDR MDT MV Superstition Springs LLC, DDR MDT MV Tucson LLC, DDR MDT MV Tulare LP, DDR MDT MV West Las Vegas LLC, and DDR MDT MV Burbank, LP

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WELLS FARGO BANK, N.A., as Trustee, etc.,

CASE NO. CV 10-3493 EMC

Plaintiffs,

## **JOINT CASE MANAGEMENT STATEMENT ; ORDER RESETTING CMC**

DDR MDT MV ANAHEIM HILLS LP, etc., et  
al

Date: November 14, 2012  
Time: 10:30 a.m.  
Place: Courtroom of the Hon. Magistrate  
Judge Edward M. Chen – 17th Fl.

## Defendants.

Plaintiffs Wells Fargo Bank, N.A., as Trustee for (i) the Registered Holders of GE Commercial Mortgage Corporation Commercial Mortgage Pass-Through Certificates, Series 2005-C4; (ii) the Registered Holders of GMAC Commercial Mortgage Securities, Inc., Mortgage Pass-Through Certificates, Series 2006-C1; and (iii) the Holders of COMM 2005-FL11 Commercial Mortgage Pass-Through Certificates, acting by and through CWCapital Asset Management, LLC, its Special Servicer (in that capacity, collectively, the "Noteholders" or the "Plaintiffs"), through their attorneys of record Robert B. Kaplan of Jeffer Mangels Butler & Mitchell LLP and Defendants DDR MDT MV Anaheim Hills LP, DDR MDT MV Antioch LP, DDR MDT MV Chandler LLC, DDR MDT MV Chino LP, DDR MDT MV Clovis LP, DDR MDT MV Deer Valley LLC, DDR MDT MV Folsom LP, DDR MDT MV Foothill Ranch LP, DDR MDT MV Garden Grove LP, DDR MDT MV Ingram LP, DDR MDT MV Lompoc LP, DDR MDT MV Madera LP, DDR MDT MV North Fullerton I LP, DDR MDT MV Palmdale LP, DDR MDT MV Redding LP, DDR MDT MV Reno LLC, DDR MDT MV Santa Maria LP, DDR MDT MV Santa Rosa LP, DDR MDT MV Silver Creek LLC, DDR MDT MV Slatten Ranch LP, DDR MDT MV Sonora LP, DDR MDT MV Superstition Springs LLC, DDR MDT MV Tucson LLC, DDR MDT MV Tulare LP, DDR MDT MV West Las Vegas LLC, each, a Delaware limited partnership or a Delaware limited liability company, as indicated, and DDR MDT MV Burbank LP, a Delaware limited partnership, (collectively, the "Defendants" or "Borrowers" and individually, a "Defendant" or "Borrower"), through their attorneys of record Stephen Kaus, Esq. and Cooper White & Cooper, LLP hereby submit this Joint Case Management Statement pursuant to United States District Court for the Northern District of California Local Rule 16-9.

## **I. JURISDICTION AND SERVICE:**

**A. Basis of the Court's Subject Matter Jurisdiction:** This Court has jurisdiction in this action predicated on 28 U.S.C. § 1332(a) in that the amount of controversy exceeds the sum or value of \$75,000, inclusive of interest and costs, and is between citizens of different states.

**B. Whether Any Issues Exist Regarding Personal Jurisdiction or Venue:** None known at this time.

C. **Whether Any Parties Remain to Be Served:** None at this time.

1        **II. DESCRIPTION OF THE CASE:**2        **A. A Brief Description of the Action.**

3                Plaintiffs filed their Complaint for Specific Performance and Appointment of  
4                Receiver ("Complaint") on August 9, 2010 seeking to appoint a receiver over the Subject Properties  
5                (as that term is defined in the Complaint). Subsequently, on August 11, 2010, a Stipulation for Ex  
6                Parte Appointment of Receiver was filed in the above-entitled action, pursuant to which Plaintiffs  
7                and Defendants agreed that a receiver would be appointed over the Subject Properties. Thereafter,  
8                on August 24, 2010, an Order Appointing Receiver Ex Parte and Preliminary Injunction in Aid of  
9                Receiver was filed in the above-entitled action pursuant to which William J. Hoffman was  
10               appointed as receiver ("Receiver"), along with the Oath of Receiver. Subsequently, on August 26,  
11               2010, a bond of Receiver was filed in the above-entitled Action in the amount of \$300,000.

12        **B. The Principal Factual Issues that the Parties Dispute:**

13               There are no disputed factual issues. On November 2, 2010, a Stipulation for  
14               Immediate Entry of Judgment executed by Plaintiffs and Defendants was filed in the above-entitled  
15               Action pursuant to which a Judgment Pursuant to Stipulation was entered by the Court on that date,  
16               adjudicating the right of Plaintiffs to have a receiver appointed over the Subject Properties.

17        **III. LEGAL ISSUES:**

18               There are no disputed legal issues, as a Judgment Pursuant to Stipulation has already  
19               been entered in the above-entitled Action.

20        **IV. MOTIONS (PRIOR, CURRENT, ANTICIPATED):**

21               Subsequent to the entry of the Judgment Pursuant to Stipulation, a Stipulation for  
22               Order Approving of Receiver's Entry into Commission and Listing Agreements for the Sale of  
23               Property was filed on February 8, 2011 and an Order approving thereof was filed on February 15,  
24               2011 and on March 7, 2011, a Second Stipulation for Order Approving Receiver's Entry into  
25               Commission and Listing Agreements for the Sale of Property was filed in the above-entitled Action,  
26               and on March 9, 2011, an Order approving thereof was filed in the above-entitled Action  
27               (collectively, the "Listing Agreement Stipulations"). Pursuant to the Listing Agreement  
28               Stipulations, the Receiver began marketing the Subject Properties and was actively negotiating with

1 a number of potential purchasers for the Subject Properties. Unfortunately, however, the Receiver  
2 was unable to close a sale on any of the Subject Properties.

3 Plaintiffs have completed the non-judicial foreclosure sale of all the Subject  
4 Properties. Currently, Plaintiffs are in the process of preparing a motion to discharge the Receiver  
5 and approve the Receiver's final accounting (the "Discharge Motion"). Based on the foregoing,  
6 Plaintiffs and Defendants believe that a continuance of the Case Management Conference for at  
7 least 90 days is appropriate to allow the Discharge Motion to be heard and decided.

8 **V. AMENDMENT OF PLEADINGS:**

9 None are contemplated.

10 **VI. EVIDENCE PRESERVATION:**

11 Not applicable.

12 **VII. DISCLOSURES:**

13 Not applicable.

14 **VIII. DISCOVERY:**

15 Not applicable.

16 **IX. CLASS ACTIONS:**

17 Not applicable.

18 **X. RELATED CASES:**

19 None.

20 **XI. RELIEF:**

21 The relief sought by Plaintiffs have already been granted in the Judgment Pursuant to  
22 Stipulation previously entered in the above-entitled Action.

23 **XII. SETTLEMENT AND ADR:**

24 Not applicable.

25 **XIII. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES:**

26 Plaintiffs and Defendants consented to proceed before a magistrate judge for all  
27 purposes.

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1 **XIV. OTHER REFERENCES:**

2 None known at this time.

3 **XV. NARROWING OF ISSUES:**

4 Not applicable.

5 **XVI. EXPEDITED SCHEDULE:**

6 Not applicable.

7 **XVII. SCHEDULING:**

8 Not applicable.

9 **XVIII. TRIAL:**

10 Not applicable.

11 **XIX. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS:**

12 Plaintiffs filed their Certification of Interested Entities or Persons on August 13,  
13 2010 in the above-entitled Action. Defendants filed their Certification of Interested Entities or  
14 Persons on August 13, 2010 in the above-entitled Action.

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1           **XX. OTHER MATTERS AS MAY FACILITATE THE JUST, SPEEDY, AND**  
2           **INEXPENSIVE DISPOSITION OF THIS MATTER:**

3           Not applicable.

4           DATED: November 5, 2012           JEFFER MANGELS BUTLER & MITCHELL LLP  
5    ROBERT B. KAPLAN, P.C.  
6    MARIANNE M. DICKSON

7           By: /s/ Robert B. Kaplan

8    ROBERT B. KAPLAN

9           Attorneys for Plaintiffs WELLS FARGO BANK, N.A., as Trustee  
10           for (i) the Registered Holders of GE Commercial Mortgage  
11           Corporation Commercial Mortgage Pass-Through Certificates,  
12           Series 2005-C4; (ii) the Registered Holders of GMAC Commercial  
13           Mortgage Securities, Inc., Mortgage Pass-Through Certificates,  
14           Series 2006-C1; and (iii) the Holders of COMM 2005-FL11  
15           Commercial Mortgage Pass-Through Certificates, acting by and  
16           through CWCapital Asset Management, LLC, its Special Servicer

17           DATED: November 5, 2012           COOPER WHITE & COOPER

18           By: /s/ Stephen Kaus

19    STEPHEN KAUS

20           Attorneys for Defendants DDR MDT MV Anaheim Hills LP, DDR  
21           MDT MV Antioch LP, DDR MDT MV Chandler LLC, DDR MDT  
22           MV Chino LP, DDR MDT MV Clovis LP, DDR MDT MV Deer  
23           Valley LLC, DDR MDT MV Folsom LP, DDR MDT MV Foothill  
24           Ranch LP, DDR MDT MV Garden Grove LP, DDR MDT MV  
25           Ingram LP, DDR MDT MV Lompoc LP, DDR MDT MV Madera  
26           LP, DDR MDT MV North Fullerton I LP, DDR MDT MV  
27           Palmdale LP, DDR MDT MV Redding LP, DDR MDT MV Reno  
28           LLC, DDR MDT MV Santa Maria LP, DDR MDT MV Santa Rosa  
LP, DDR MDT MV Silver Creek LLC, DDR MDT MV Slatten  
Ranch LP, DDR MDT MV Sonora LP, DDR MDT MV  
Superstition Springs LLC, DDR MDT MV Tucson LLC, DDR  
MDT MV Tulare LP, DDR MDT MV West Las Vegas LLC, and  
DDR MDT MV Burbank, LP

29           IT IS SO ORDERED that the Further CMC is reset from 11/14/12 to 2/21/13 at 10:30 a.m. An  
30           updated joint CMC Statement shall be filed by 2/14/13.

31           Edward M. Chen  
32           United States District Judge

33           IT IS SO ORDERED  
34           AS MODIFIED  
35           Edward M. Chen



MENT STATEMENT